

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

HARTFORD INSURANCE COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 04-10314-BC

Honorable David M. Lawson

RICHARD MILLER, SR. and VIRGINIA  
MILLER,

CONSOLIDATED CASES

Defendants/Counter-Plaintiffs.

-and-

RICHARD MILLER, SR., and VIRGINIA  
MILLER,

Plaintiffs,

v.

Case Number 05-10092-BC

HARTFORD INSURANCE COMPANY,

Defendant.

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**ORDER FOR APPRAISAL AND APPOINTMENT OF UMPIRE**

The plaintiff and counter-defendant, Hartford Insurance Company, has filed an action for declaratory judgment concerning its obligation under a casualty and fire loss policy issued to the defendants and counter-plaintiffs, Richard Miller, Sr. and Virginia Miller. The counter-plaintiffs filed an action, since consolidated, alleging that Hartford has not paid all that it is obliged under the insurance policy to compensate the counter-plaintiffs for their loss. The parties have alleged that the subject insurance policy prescribes a procedure for resolving disputes as to the amount of loss

and value of covered property. The procedure calls for the insurance company to appoint an appraiser and the insured to appoint an appraiser. If the two appraisers cannot agree as to the value of property or amount of loss, the dispute is to be submitted to an umpire.

The parties have nominated their respective appraisers and have notified the Court they are unable to agree as to an umpire. The parties have requested the Court to appoint an umpire in accordance with the terms of the policy.

The insureds (defendants) have appointed the following appraiser: Kenneth R. Arndt, Kenneth R. Arndt & Associates, Inc., 6 East McCoy Road, Gaylord, Michigan 49735, (989) 731-4341. The insurer (plaintiff) has appointed the following appraiser: Bruce A. Christianson, Burton Brothers General Contractors, Inc., 23516 Telegraph Road, P.O. Box 371, Southfield, Michigan 48037, (248) 357-7000.

Accordingly, it is **ORDERED** that Daniel W. White, of the law firm of Boyce, White, Werth & Mack, 313 N. Second Avenue, Alpena, Michigan, 49707, is appointed umpire for appraisal purposes.

It is further **ORDERED** that the appraisers shall meet, confer, and determine all disputed items on or before **July 18, 2005**, and submit the disputed items to Mr. White within three business days thereafter.

It is further **ORDERED** that Mr. White will resolve the disputed items within thirty days after submission; provided, however, that if the Court receives written notification from the umpire that an additional thirty days is required, the due date of the appraisal will be deemed automatically extended by such additional thirty-day period. The umpire may convene a meeting of the appraisers in person or by telephone, solicit input from the parties through their attorneys, or engage in any

other procedures that he deems expedient for the resolution of the disputed items. However, the parties and their counsel shall have no *ex parte* contact with the umpire.

It is further **ORDERED** that the umpire shall submit his decision resolving the disputed items, in writing, to the Court and the parties within the time provided above.

It is further **ORDERED** that the parties shall be jointly and severally obligated to pay the umpire's reasonable charges for his time and expenses.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 16, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 16, 2005.

s/Tracy A. Jacobs